

*M. H. L. 15*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEANNETTE FULLER HAUSLER as Successor  
Personal Representative of the Estate of ROBERT  
OTIS FULLER ("BOBBY FULLER"), Deceased, on  
behalf of THOMAS CASKEY as Personal  
Representative of the Estate of LYNITA FULLER  
CASKEY, surviving daughter of ROBERT OTIS  
FULLER, THE ESTATE OF ROBERT OTIS  
FULLER, FREDERICK FULLER, FRANCIS  
FULLER, GRACE LUTES, JEANNETTE FULLER  
HAUSLER, and IRENE MOSS,

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 5/20/11  
DATE FILED: 5/20/11

Petitioner,

-against-

JPMORGAN CHASE BANK, N.A., CITIBANK, N.A.,  
UBS AG, THE ROYAL BANK OF SCOTLAND N.V.  
(FORMERLY KNOWN AS ABN AMRO BANK  
N.V.), and BANK OF AMERICA, NATIONAL  
ASSOCIATION,

Garnishee-Respondents.

JPMORGAN CHASE BANK, N.A., CITIBANK, N.A.,  
UBS AG, THE ROYAL BANK OF SCOTLAND N.V.  
(FORMERLY KNOWN AS ABN AMRO BANK  
N.V.), and BANK OF AMERICA, NATIONAL  
ASSOCIATION,

Garnishee-Respondents  
and Third-Party  
Petitioners,

-against-

BANCO FINANCIERO INTERNACIONAL S.A.,  
BANCO INTERNACIONAL DE COMERCIO, S.A.,  
BANCO NACIONAL DE CUBA, BANCO POPULAR  
DE AHORRO, ABBOTT LABORATORIES, INC., as  
successor to Quimica Knoll de Mexico, S.A. de C.V.,  
AEROFLOT LINEAS AEREAS SOVIETICAS,

09 Civ. 10289 (VM)

Related to JPM Chase/Citibank  
Turnover Proceeding

In Respect of a Judgment  
Entered in the State of Florida,  
Case No. 02-12475-CA-09

**STIPULATION OF  
DISMISSAL (BANCO  
ESPAÑOL DE CREDITO)**

**TRANCHE III**

ALBET INGENIERA Y SISTEMAS, BANCO :  
BILBAO VIZCAYA ARGENTINA, S.A., BANCO :  
BILBAO VIZCAYA ARGENTINA PANAMA, S.A., :  
as successor to Banco Exterior Panama, S.A., BANCO :  
DE CREDITO DEL PERU, as successor to Financiera :  
Nacional S.A., BANCO DE ESPANA, BANCO :  
ESPAÑOL DE CREDITO, BANCO MONEX S.A., :  
BANCO NACIONAL DE MEXICO, S.A., BANCO :  
PAULISTA S.A., BNP PARIBAS, BNP PARIBAS :  
ESPAÑA, S.A., BANESTO S.A., BANESTO TOTTA, :  
S.A., as successor to Banco Totta & Acores S.A., CAJA :  
DE AHORROS Y MONTE DE PIEDAD DE :  
MADRID, CASA DE CAMBIO MONEX, S.A., :  
CREDIT SUISSE GROUP AG, as successor to Swiss :  
American Securities, DRESDNER LATEINAMERIKA :  
A.G., as successor to Dresdner Bank Lateinamerika :  
A.G., ESTUDIOS MERCADOS Y SUMINISTROS :  
S.L., GREEN DOWA HOLLAND BV, HSBC :  
TRINKAUS & BURKHARDT AG, ING BANK N.V., :  
INSTITUTO DE CARDIOLOGIA Y CIRUGIA :  
CARDIOVASCULAR CUBA, INTERNATIONAL :  
HANDLERS, INC., JSC ZARUBEZHTSVETMET, :  
LTU LUFTTRANSPORT-UNTERNEHMEN GMBH, :  
NOVAFIN FINANCIERE S.A., PETROLEOS DE :  
VENEZUELA S.A., PHILIPS MEXICANA S.A. DE :  
C.V., PREMUDA S.P.A., SANPAOLO BANK S.A., :  
SELECMAR SHIP MANAGEMENT, TUI UK LTD., :  
as successor to Britannia Airways Ltd., TRYG :  
FORSIKRING, as successor to Baltica Bank and :  
Baltica Forsikring, UNION BANCAIRE PRIVEE, :  
VITOL ENERGY (BERMUDA) LTD and :  
JEANNETTE FULLER HAUSLER as Successor :  
Personal Representative of the Estate of ROBERT :  
OTIS FULLER ("BOBBY FULLER"), Deceased, on :  
behalf of THOMAS CASKEY as Personal :  
Representative of the Estate of LYNITA FULLER :  
CASKEY, surviving daughter of ROBERT OTIS :  
FULLER, THE ESTATE OF ROBERT OTIS :  
FULLER, FREDERICK FULLER, FRANCIS :  
FULLER, GRACE LUTES, JEANNETTE FULLER :  
HAUSLER, and IRENE MOSS,

Adverse Claimants- :  
Respondents.

**STIPULATION OF DISMISSAL**

WHEREAS, on or about July 6, 2010, Petitioner Hausler filed a turnover petition ("Turnover Petition III") that seeks, pursuant to the Terrorism Risk Insurance Act ("TRIA"), to satisfy a default judgment entered in Florida state court against the Republic of Cuba by executing against accounts holding the proceeds of certain electronic funds transfers ("EFTs") that were blocked pursuant to the Cuban Assets Control Regulations, 31 C.F.R. Part 515, as issued from time to time by the Office of Foreign Assets Control of the United States Treasury Department under authority of the Trading with the Enemy Act, 50 U.S.C. App. 5(b) (the "CACRs");

WHEREAS, on or about October 29, 2010, in connection with its response to Turnover Petition III, JP Morgan Chase Bank, N.A. ("JPM Chase") commenced an interpleader proceeding in which it sought to bring before the Court those parties to certain EFTs who were potentially adverse to Petitioner Hausler and had a potential claim to the blocked proceeds at issue, including Banco Español de Credito ("BANESTO") and Banco Nacional de Cuba;

WHEREAS, the account identified in Exhibit E to Turnover Petition III<sup>e</sup> as JPM Chase Account #7—Account Number 395503922—is alleged to contain the proceeds of an EFT that was blocked on or about May 16, 1994, in respect of which Banco Nacional de Cuba was the "beneficiary" and BANESTO was the "originator" and "debit bank" (the "BANESTO EFT #1");

WHEREAS the original amount of the blocked proceeds of the BANESTO EFT #1 was \$72,831.07 and the balance of JPM Chase Account #7 as of September 30, 2009 was \$81,352.14;

WHEREAS, because the CACRs require the blocking of any EFT involving, among other things, any national of Cuba such as Banco Nacional de Cuba, the proceeds of the BANESTO EFT #1 were paid into JPM Chase Account #7, which is a blocked, interest-bearing

account on the books of JPM Chase that was funded by debiting the account of BANESTO with Chase Manhattan Bank, a predecessor of JPM Chase ("Chase Manhattan");

WHEREAS, the account identified in Exhibit E to Turnover Petition III as JPM Chase Account #9—Account Number 395503914<sup>1</sup>—is alleged to contain the proceeds of an EFT that was blocked on or about May 17, 1994, in respect of which Banco Nacional de Cuba was the "beneficiary" and BANESTO was the "debit bank" (the "BANESTO EFT #2," and together with BANESTO EFT #1, the "BANESTO EFTs");

WHEREAS the original amount of the blocked proceeds of the BANESTO EFT #2 was \$51,228.63 and the balance of JPM Chase Account #9 as of September 30, 2009 was \$57,780.66;

WHEREAS, because the CACRs require the blocking of any EFT involving, among other things, any national of Cuba, such as Banco Nacional de Cuba, the proceeds of the BANESTO EFT #2 were paid into JPM Chase Account #9, which is a blocked, interest-bearing account on the books of JPM Chase that was funded by debiting the account of BANESTO with Chase Manhattan;

WHEREAS, JPM Chase commenced the October 29, 2010 interpleader proceeding referred to above in order to obtain a discharge from liability to those parties to the BANESTO EFTs who might later assert claims to the blocked funds held in JPM Chase Account #7 and JPM Chase Account #9, named Petitioner Hausler and the parties to the BANESTO EFTs, including BANESTO, as Adverse Claimant-Respondents, and served them with a summons and third-party petition alleging claims in the nature of interpleader;

WHEREAS, BANESTO seeks to avoid the expense of further participation in this litigation, and is therefore prepared, upon JPM Chase's compliance with an order issued by this

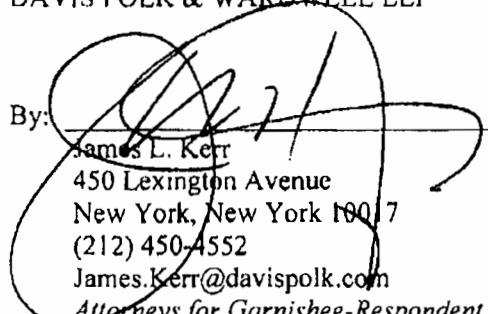
---

<sup>1</sup> The account is misidentified in Exhibit E to Turnover Petition III as JPM Chase Account Number "39550914."

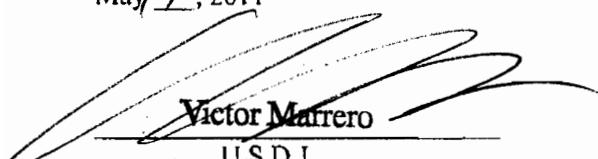
Court pursuant to TRIA directing turnover to Petitioner Hausler of the funds then held in JPM Chase Account #7 and JPM Chase Account #9, to consent to the entry of judgment releasing and discharging JPM Chase from any further liability to it in respect of the funds held in JPM Chase Account #7 and JPM Chase Account #9;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that the claims in the nature of interpleader alleged against BANESTO by JPM Chase in its Interpleader Petition dated October 29, 2010 shall be, and the same hereby are, dismissed with prejudice pursuant to Rule 41(a)(2) and 41(c) of the Federal Rules of Civil Procedure.

Dated: New York, New York  
May 18, 2011

DAVIS POLK & WARDWELL LLP	HUNTON & WILLIAMS LLP
By:  James L. Kerr 450 Lexington Avenue New York, New York 10017 (212) 450-4552 James.Kerr@davispolk.com <i>Attorneys for Garnishee-Respondent and Third-Party Petitioner JPMorgan Chase Bank, N.A.</i>	By:  Paulo R. Lima 1111 Brickell Avenue Miami, FL 33131 (305) 810-2500 plima@hunton.com <i>Attorneys for BANESTO</i>

So Ordered  
May 18, 2011

  
Victor Marrero  
U.S.D.J.  
